

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3018 of 2019

Arising Out of PS. Case No.-12 Year-2015 Thana- SC/ST District- Saran

1. MOHARPATI DEVI W/O Godhan Rai Resident of Village - Manpur, P.S.- Dariapur, Distt - Saran.
2. Pintu Kumar @ Pintu Rai Son of Godhan Rai Resident of Village - Manpur, P.S.- Dariapur, Distt - Saran.
3. Godhan Rai Son of Late Rapdesh Rai @ Dev Nandan Rai Resident of Village - Manpur, P.S.- Dariapur, Distt - Saran.
4. Mantoo Kumar Son of Godhan Rai Resident of Village - Manpur, P.S.- Dariapur, Distt - Saran.
5. Hareram Rai @ Hareram Kr. Son of Godhan Rai Resident of Village - Manpur, P.S.- Dariapur, Distt - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manoj Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 25-07-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 27.06.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, Saran at Chapra in SC/ST P.S. Case No. 12 of 2015 registered under Sections 323, 341, 342, 337, 379 and 504/34 of the Indian Penal Code and Section 3(i) (x) of the SC/ST Act.



Over row of defecation by the son of the informant on the flank of the road, accused persons assaulted on the head of the informant inflicting head injury to him. When he rushed to his house, accused persons started pelting stone which hit on the head of his son. They also slated him in the name of his caste.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case due to some altercation taken place between the parties over defecation by the son of the informant on the public road. The allegation levelled against the appellants is not specific rather general and omnibus in nature. There is no injury report on the record. There is no allegation of slating the informant in the specific name of his caste. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions



Judge cum Special Judge, SC/ST Act, Saran at Chapra in connection with SC/ST P.S. Case No. 12 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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